

REMARKS

I. Status and Disposition of the Claims

In the instant Application, claims 25-48 are pending and claims 1-24 are canceled. Of the pending claims, claims 25, 31, 33, 39, and 41 are independent and have been amended.

In the outstanding Office Action¹ ("Office Action"), the Examiner rejected claims 25-48 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Application Publication No. 2003/0192040, Vaughan ("Vaughan") in view of U.S. Patent No.6,577,924 to Kasuga et al. ("Kasuga"), and further in view of U.S. Application Publication No. 2003/0191389 to Sano et al. ("Sano"). Office Action at page 2.

Applicant respectfully submits that the claims, as amended, are patentable over the cited references. Accordingly, Applicant requests withdrawal of the above-identified rejections.

II. Amendments to the Claims

Independent claim 25 has been amended to recite, in relevant part:

wherein the data or programs are selected by the robot apparatus to comply with at least an emotional state of a user associated with the service request, and with a requested service in the service request;

(Emphasis added). Claims 31, 33, 39 and 41 were similarly amended. Support for the above amendments may be found at least at age 28, lines 1-6 and 16-20 of Applicant's Specification. Accordingly, no new matter is introduced.

III. Claims Rejections Under 35 U.S.C. § 103(a)

The Office Action rejected claims 25-48 under 35 U.S.C. § 103(a) as unpatentable over Vaughan in view of Kasuga, and further in view of Sano. Office Action at page 2. Applicant respectfully traverses these rejections.

Amended independent claim 25 recites, in relevant part:

wherein the data or programs are selected by the robot apparatus to comply with at least an emotional state of a user associated with the service request and with a requested service in the service request;

(Emphasis added). Vaughan, Kasuga and Sano, whether considered alone or in combination, do not teach or suggest at least the above-identified element of amended claim 25.

Citing para. [0027] of Vaughan, the Examiner contends that Vaughan teaches "wherein the data or programs are implicitly selected by the robot apparatus to comply with a requested service in the service request." Office Action at page 7. Even if the Examiner's contention is correct, which Applicant does not concede, neither any portion of Vaughan, nor Vaughan in general teaches or suggests data or programs being selected by the robot apparatus to comply with at least an emotional state of a user associated with a service request. In Vaughan, a first computer's operating environment is analyzed and a profile based on the operating system is created. The profile is then sent to a second computer system which selects software based on the profile. See Vaughan at Abstract and Fig. 1. There is no teaching or suggestion of a user's emotional state having anything to do with the selection of data or programs by a

1 The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

robot apparatus. Neither Kasuga, nor Sano make up for the above-identified deficiencies of Vaughan. Sano discloses an ultrasonic diagnostic device that generates an ultrasonic image and includes a processor that extracts extension functions for use with the device. Sano contains no disclosure whatsoever of an emotional state of a user associated with a service request or the use of such information in the selection of data or programs. Although Kasuga discloses a "state of emotion," this information relates to the robot device's own internal state and is used to reflect the robot device's "emotion" or "instinct." See Kasuga at col. 4, lines 1-7. Kasuga therefore fails to teach or suggest the emotional state of a user associated with a service request playing a role in the selection of data or programs by a robot apparatus.

For at least the above-stated reasons, no combination of Vaughan, Kasuga and Sano teaches or suggests "wherein the data or programs are selected by the robot apparatus to comply with at least an emotional state of a user associated with the service request," as recited in amended claim 25. Accordingly, claim 25 is patentable over Vaughan, Kasuga and Sano. Amended independent claims 31, 33, 39 and 41 contain elements similar to the above-recited elements of claim 25 that Vaughan, Kasuga, and Sano fail to disclose. Accordingly, these claims are also patentable over Vaughan, Kasuga, and Sano. Dependent claims 26-30, 32, 34-38, 40, 42-48 are also patentable over these references, at least by virtue of their dependence from the above-identified independent claims. For at least these reasons, Applicant respectfully requests that the Examiner withdraw the rejection of claims 25-48 under 35 U.S.C. § 103(a).

IV. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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